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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,490	09/26/2003	Jerry Behar		8254

7590  
Jerry Behar  
15 Forrester Court  
Amherst, NY 14228

12/18/2006

EXAMINER

GUIDOTTI, LAURA COLE

ART UNIT

PAPER NUMBER

1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,490	<b>Applicant(s)</b> BEHAR, JERRY	
	<b>Examiner</b> Laura C. Guidotti	<b>Art Unit</b> 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>122003, 022004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The amendment filed 14 November 2003 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

In paragraph 49, the sentence that begins "This tensioner 111 may have a flexible member such as a small spring mechanism...", the sentence that begins "The timing belt 108 has a small spring mechanism...", and the following sentence that begins "This spring mechanism..." In the drawings, Figure 7, there is what appears to be a tensioner 111, wherein 111 was not referenced to in the Specification previously. However, in the drawings and in the original disclosure, there is no support made to the tensioner being a flexible member such as "a spring mechanism" or that a timing belt has "a small spring mechanism."

In paragraph 66, the sentence that begins "This would include tensioners and springs mechanisms..." is considered to introduce new matter. However, in the drawings and in the original disclosure, there is no support made to "springs mechanisms to allow adjustment to the belts."

In paragraph 69, the sentence that begins "This would include tensioners and springs mechanisms..." is considered to introduce new matter. However, in the drawings and in the original disclosure, there is no support made to "springs mechanisms to allow adjustment to the belts."

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 24 recites "...the tensioner comprising a spring mechanism...", however the original disclosure of the Applicant's invention does not include that a tensioner may comprise a spring mechanism, and therefore claim 24 is considered to be new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the top carriages" in Line 5. There is insufficient antecedent basis for this limitation in the claim. Is there only "a" top carriage claim or a plurality of top carriages?

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Claim 17 recites the limitation "the front wall" (of the top carriage) and "the front wall" (of the bottom carriage) in Lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the discharge of fluids" in Line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the top carriages" in Line 7. There is insufficient antecedent basis for this limitation in the claim. Is there only "a" top carriage claim or a plurality of top carriages?

Claim 20 recites the limitation "the front of the top and bottom carriages" in Line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the discharge of fluids" in Line 16. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6, and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Coninx, US 2,690,577.

Coninx discloses the claimed invention including a bottom carriage (10) including at least one transverse rotary brush (86, see Figures), a vertical support (brackets 25, 27, 29; Figure 2) extending above the bottom carriage (see Figures), a top carriage (19)

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including at least one transverse rotary brush (37, see Figures), a hinge connecting the top carriage to the vertical support (31, best shown in Figure 4), the hinge allowing movement of the top carriage relative to the vertical support between an open and a closed position about a hinge axis to respectively open and close the scrubber (Column 2 Lines 48-50), a drive system having cooperating components arranged in the bottom of the carriage, the vertical support, and the top carriage for rotating the brushes (see Figures, cooperating components includes 36, 39, 41, 42, 43, 44, 45, 46, 85, 89, 90, 91), one of the components of the drive system being a rotary component having its rotational axis corresponding to the hinge axis (36, 39, 41, 42, 43, 45, 46, 89, 90; see Figure 4 particularly). Regarding claim 6, a rotary component (46) transfers a drive force from the component of the drive system arranged in the vertical support to the component of the drive system located in the top carriage (such as to 36, Column 3 Lines 13-34). Regarding claims 23-24, there is a "tensioner" to allow adjustments of the drive system, the tensioner comprising a spring mechanism capable of making variations in alignment (there is a "tensioner" including components 57, 60, spring 66, 70, 81).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coninx, US 2,690,577 in view of Thomas, US 5,067,193.

Coninx discloses all elements mentioned above, however does not include cooperating flaps depending from a front wall of the top carriage and upstanding from the front wall of the bottom carriage (Coninx does a front wall of both the top and bottom carriage, see Figures) to suppress a discharge of fluids from within the scrubber.

Thomas teaches a hinged washing apparatus that includes a top and bottom carriage (top 18, bottom 16) that each has a cooperating flap (30) in order to suppress a discharge of fluids from a scrubber (Figure 4; Column 3 Lines 28-36).

It would have been obvious for one of ordinary skill in the art to modify the front walls of the top and bottom carriage of Coninx to include cooperating flaps, as Thomas teaches, in order to keep cleaning fluid and other debris within the scrubbing device in use.

***Allowable Subject Matter***

6. Claims 2-5, 7-16, and 18-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art made of record includes a bottom carriage including at least one transverse rotary brush, a vertical support extending above the bottom carriage, a top carriage including at least one transverse rotary brush, a hinge connecting the top

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carriage to the vertical support, the hinge allowing movement of the top carriage relative to the vertical support between an open and a closed position about a hinge axis to respectively open and close the scrubber, a drive system having cooperating components arranged in the bottom of the carriage, the vertical support, and the top carriage for rotating the brushes, one of the components of the drive system being a rotary component having its rotational axis corresponding to the hinge axis; and wherein the top carriage comprises a top, front, and rear walls, opposite side walls and an open bottom, an interior wall, an interior wall spaced from each of the side walls, and a plurality of brushes journaled at their ends to each of the interior walls; or wherein the bottom carriage comprises a bottom, front and rear walls, opposite side walls and an open top, an interior wall spaced from each of the side walls, and a plurality of brushes journaled at their ends to each of the interior walls; or wherein the drive system comprises a motor in the bottom carriage, driven sprockets carried by each of the bottom and top carriages and connectable to each of the brushes in the bottom and top carriages respectively, the drive system components in the top and bottom carriages operatively connecting the motor with each of the driven sprockets, the drive system component arranged in the vertical support driving the rotary component, and the drive system component arranged in the top carriage for rotating the brushes in the top carriage being driven off the rotary component; or wherein the vertical support has an inclined surface and the top carriage has a complimentary inclined surface that rest one against the other such that the inclined surface of the vertical support supports at least a part of the weight of the top carriage when the top carriage is in a closed position; or



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wherein the cooperating flaps are arranged to drape and seal about a handle extending from an object that is disposed for cleaning between the top and bottom carriages; or a removable wire mesh basket for holding an object to be cleaned, the basket being located in the bottom carriage and between the brushes of the top and bottom carriages.

Also, none of the prior art of record includes a scrubber comprising a top carriage including at least one rotatable brush and a cleaning fluid inlet, a bottom carriage including at least one rotatable brush and a spent cleaning fluid outlet, a vertical support extending above the bottom carriage, a hinge connecting the top carriage to the vertical support, the hinge allowing movement of the top carriage relative to the vertical support between an open and a closed position about a hinge axis to respectively open and close the scrubber, a drive system for rotating the brushes, the drive system having cooperating drive elements arranged in the bottom carriage, the vertical support, and the top carriage, one of the components of the drive system being a rotary component having its rotational axis corresponding to the hinge axis, and cooperating flaps at the front of the top and bottom carriages to suppress the discharge of fluids from between the top and bottom carriages, the flaps arranged to deform about a portion of an object extending through the flaps and into a space between the brushes of the top and bottom carriages so as to provide a seal about the portion extending through the flaps.

Gaiser, US 3,846,816 discloses the claimed invention including a bottom carriage (10) including at least one transverse rotary brush (60, Figure 2; Column 6 Lines 40-42), a vertical support (12) extending above the bottom carriage (see Figures),

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a top carriage (16) including at least one transverse rotary brush (60, Figure 2; Column 6 Lines 40-42), a hinge connecting the top carriage to the vertical support (14), the hinge allowing movement of the top carriage relative to the vertical support between an open and a closed position about a hinge axis to respectively open and close the scrubber (Column 5 Lines 9-15; see Figures), a drive system having cooperating components arranged in the bottom of the carriage and the top carriage for rotating the brushes (Column 2 Lines 43-50). Gaisser does not include the drive system having cooperating components arranged in the vertical support and/or cooperating flaps at the front of the top and bottom carriages to suppress the discharge of fluids from between the top and bottom carriages. Additionally Gaisser does not disclose interior walls spaced from each of the side walls, the vertical support having an inclined surface, or a removable wire mesh basket.

Wehr, US 3,266,074 discloses the claimed invention including a bottom carriage (4) including at least one transverse rotary brush (15), a vertical support extending above the bottom carriage (10), a top carriage (1) including at least one transverse rotary brush (15), a hinge connecting the top carriage to the vertical support (about 9, Column 2 Lines 2-3), and the hinge allowing movement of the top carriage relative to the vertical support between an open and closed position about a hinge axis to respectively open and close the scrubber (see Figure 1; hinge axis is through "9" as shown in Figure 1; Column 2 Lines 2-3), and a drive system (Column 2 Lines 42-48). Wehr does not include the drive system having cooperating components arranged in the vertical support and/or cooperating flaps at the front of the top and bottom carriages to

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suppress the discharge of fluids from between the top and bottom carriages.

Additionally Wehr does not disclose interior walls spaced from each of the side walls, the vertical support having an inclined surface, or a removable wire mesh basket.

Similarly to Wehr and Gaisser, none of Blocher, US 950,743, Yeaman, US 3,440,675, and Kress, US 663,282 include the drive system having cooperating components arranged in the vertical support and/or cooperating flaps at the front of the top and bottom carriages to suppress the discharge of fluids from between the top and bottom carriages. Additionally these prior art documents do not disclose interior walls spaced from each of the side walls, the vertical support having an inclined surface, or a removable wire mesh basket.


### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Laura C Guidotti  
Patent Examiner  
Art Unit 1744

lcg